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HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
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WASHINGTON DC 20006-1109

In re Application of	:	DECISION
FROHBERG et al.	:	
Application No.: 10/591,419	:	
PCT No.: PCT/EP2005/002454	:	
Int. Filing Date: 04 March 2005	:	
Priority Date: 05 March 2004	:	
Attorney Docket No.: 65084.000020	:	
For: METHODS FOR IDENTIFYING	:	
PROTEINS WITH STARCH	:	
PHOSPHORYLATING ENZYMATIC ACTIVITY	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 02 September 2008, which has properly been treated as a petition under 37 CFR 1.181.

### **BACKGROUND**

On 04 March 2005, applicant filed international application PCT/EP2005/002454 which designated the US and claimed a priority date of 05 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 01 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 22 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 May 2008, applicants filed a submission including a copy of a declaration of inventors.

On 20 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 09 May 2008.

On 02 September 2008, applicants filed the instant petition under 37 CFR 1.181.

### **DISCUSSION**

The petition requests in effect that the file history of the instant application be amended to indicate that no Small Entity Statement has been filed. As noted by applicants in the petition, a Small Entity Statement was not filed in the instant application. Accordingly, the transaction description of "Small Entity Statement (37 CFR 1.27)" in the file for the instant application dated 09 May 2008 has been removed. Additionally, that portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2008 indicating that a Small Entity Statement was filed on 09 May 2008 is hereby VACATED.

### **CONCLUSION**

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

For the reasons set forth above, that portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2008 indicating that a Small Entity Statement was filed on 09 May 2008 is **VACATED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being returned to the Technology Center.

/Daniel Stemmer/  
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